

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH WATSON,	)	
	)	Civil Action No. 09 – 87J
Plaintiff,	)	
	)	
v.	)	Chief Magistrate Judge Lisa Pupo Lenihan
	)	ECF No. 94
JEFFREY BEARD, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This case is before the Court on Plaintiff's Motion for Judgment on the Pleadings (ECF No. 94) filed October 31, 2012. In his Motion, Plaintiff asserts that the Court has not yet ruled on his access to courts claim contained in his Second Amended Complaint. He also asserts that the Court has not yet ruled on his Motion for Judgment on the Pleadings filed on July 24, 2012.<sup>1</sup> He seeks a ruling on both. Plaintiff, however, is mistaken as the Court has already ruled on both.

This Court issued a Memorandum Order dated August 21, 2012, whereby it dismissed with prejudice Plaintiff's access to courts claim and denied Plaintiff's Motion for Judgment on the Pleadings as moot as the only relief Plaintiff was seeking was to have the Court rule on the Defendants' Motions to Dismiss. (ECF No. 88.) As a result of the Court's ruling on the Motions to Dismiss, the sole remaining claims left for disposition in this case are Plaintiff's retaliation and Fourth Amendment claims as specified in the Third Circuit's Opinion dated July 11, 2011. Plaintiff's allegations that he did not receive the Court's Memorandum Order dated August 21,

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<sup>1</sup> This Motion was received by the Court and docketed on August 6, 2012. (ECF No. 87.)

2012, is bellied by the fact that he not only filed Objections to the Court's Order (ECF No. 90) but also an appeal of the Order (ECF No. 92). That interlocutory appeal is now pending before the Third Circuit Court of Appeals. Once the appellate court has made its ruling, this case can proceed with Plaintiff's remaining claims.

Because Plaintiff merely seeks a ruling on his access to courts claim and Motion for Judgment on the Pleadings filed on July 24, 2012, both of which the Court has already ruled upon, his pending Motion for Judgment on the Pleadings will be denied as moot.

**AND NOW**, this 1st day of November, 2012,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Judgment on the Pleadings (ECF No. 94) is **DENIED as moot**.



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Lisa Pupo Lenihan  
Chief United States Magistrate Judge

cc: Joseph Watson  
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*Via U.S. Mail*

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